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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,584	01/20/2006	Isao Akada	KC-US030807	5379

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GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,584

Applicant(s)

AKADA ET AL.

Examiner

Phu K. Nguyen

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/1/05 & 5/18/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed "image display control program" is a computer program per se.; i.e., the descriptions of expressions of the program, are not physical things. They are neither computer components nor statutory processes, as they are not "acts" being performed. They are non-statutory under 35 USC 101. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EA SPORT (Tiger Woods PGA Tour 2002).

As per claim 1, EA Sport teaches the claimed "image display control program for displaying a plurality of objects on a display unit of a video game device from a plurality of angles", the image display control program comprising: "an operation reception function which causes the video game device to receive an operation from an operator via an operation unit" (EA Sport, On the Course, page 27); "a camera viewpoint movement function which causes a camera viewpoint to move, in accordance with the

operation received by the operation reception function, with respect to a reference point on a straight line linking a first object and a second object among the plurality of objects” (EA Sport, Change View, page 27); and “a camera image display control function which causes at least one of the images of the first and second objects to be displayed on the display unit from the camera viewpoint that was moved by means of the camera viewpoint movement function” (EA Sport, the display images; pages 27, 31, 33).

Claims 2 adds into claim1 “wherein the operation reception function determines a tilt direction of the operation unit” (EA Sport, Executing Shots, page 37); and the camera viewpoint movement function causes the camera viewpoint to move in a circle around the reference point, and in accordance with an angle corresponding to the tilt direction determined by the operation reception function” (EA Sport, Camera editor, page 34).

Claim 3 adds into claim 1 “wherein the operation reception function receives a camera viewpoint height operation from the operator that adjust the height of the camera viewpoint; and the camera viewpoint movement function causes the camera viewpoint to move to a height based upon the camera viewpoint height operation received by the operation reception function” (EA Sport, Camera editor, page 34).

As per claim 4, AE Sport teaches the claimed “image display control program for displaying a plurality of objects on a display unit of a video game device from a plurality of angles,” the image display control program comprising: “an operation reception

function which causes the video game device to receive an operation from an operator via an operation unit" (EA Sport, On the Course, page 27); "a camera viewpoint movement function that causes a camera viewpoint to rotatively move, in accordance with the operation received by the operation reception function, around a reference point on a straight line linking a first object and a second object among the plurality of objects" (EA Sport, Camera editor, pages 27 and 34); and "a camera image display control function that causes at least one of the first and second objects to be displayed on the display unit as seen from the camera viewpoint that was moved by means of the camera viewpoint movement function" (EA Sport, the display images; pages 27, 31, 33).

As per claim 5, EA Sport teaches the claimed "image display control method which displays a plurality of objects on a display unit of a video game device from a plurality of angles", comprising the steps of: "receiving an operation in a video game device from an operator via an operation unit" (EA Sport, On the Course, page 27); "moving a camera viewpoint, in accordance with the operations received in the operation reception step, with respect to a reference point that is a point on a straight line linking a first object and a second object among the plurality of objects" (EA Sport, Change View, page 27); and "displaying on the display unit of the video game device at least one of the images of the first and second objects from the camera viewpoint moved in the camera viewpoint movement step" (EA Sport, the display images; pages 27, 31, 33).

As per claim 6, EA Sport teaches the claimed “image display control device which displays a plurality of objects on a display unit from a plurality of angles”, comprising: “an operation reception means which receives an operation from an operator via an operation unit” (EA Sport, On the Course, page 27); “a camera viewpoint movement means that causes a camera viewpoint to move, in accordance with the operation received by the operation reception means, with respect to a reference point on a straight line linking a first object and a second object among the plurality of objects” (EA Sport, Change View, page 27); and “a camera image display control means that causes at least one of the first and second objects to be displayed on the display unit from the camera viewpoint that was moved by means of the camera viewpoint movement means” (EA Sport, the display images; pages 27, 31, 33).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen
September 3, 2007


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300